

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

REENA S. MATHEW,

Plaintiff,

VS.

SANTANDER CONSUMER USA INC.,

Defendant.

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CIVIL ACTION NO. 3:23-CV-01494-N

**DEFENDANT’S RESPONSE TO PLAINTIFF’S MOTION
TO CONSIDER DOCUMENT FILED OUT OF TIME**

TO THE CHIEF UNITED STATES DISTRICT JUDGE DAVID C. GODBEY:

Defendant Santander Consumer USA, Inc. (“Santander”) hereby files its Response and to Plaintiff’s Motion to Consider Document Filed Out of Time (the “Motion”).

I.

Rule 16(b)(4) provides that “[a] schedule may be modified only for good cause. Fed. R. Civ. P. 16(b)(4). The Motion contends that good cause exists so that Plaintiff is not ambushed at trial with performance reviews. This argument is flawed as it seeks relief for an alleged harm that is an impossibility. As explained in Santander’s discovery responses, its deposition, and its Response to Plaintiff’s Motion to Compel, Santander has produced all performance reviews in its possession, custody or control. Mathew cannot be ambushed at trial with documents that do not exist and that she is aware do not exist. Mathew’s Motion to Compel, which seeks to depose Santander for a second time for Santander to testify what she already knows is far from good cause. Based on the foregoing, Santander would respectfully request that Mathew’s Motion be denied.

PRAYER

For all the foregoing reasons, Santander respectfully request that the Court deny Mathew's Motion to Consider Document Filed Out of Time and grant Santander all other relief to which it may show itself justly entitled, in law and in equity.

Respectfully submitted,

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CERTIFICATE OF SERVICE

On October 18, 2024, I electronically submitted the foregoing document with the clerk of court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the Court. I hereby certify that I have served the following counsel, as follows, electronically or by another manner authorized by Rule 5(b)(2) of the Federal Rules of Civil Procedure:

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